

1 Jon N. Robbins
2 WEISBERG & MEYERS, LLC
3 3877 N. Deer Lake Rd.
4 Loon Lake, WA 99148
5 509-232-1882
6 866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com
7 Attorney for Plaintiff

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

JANET STULL,) Case No.
Plaintiff,)
vs.)
WASHINGTON COLLECTORS) COMPLAINT FOR VIOLATION
TRI-CITIES, INC.,) OF FEDERAL FAIR DEBT
Defendant.) COLLECTION PRACTICES ACT
) AND INVASION OF PRIVACY

I. NATURE OF ACTION

1. This is an action for damages brought by an individual consumer for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington, Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,

1 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
 2 privacy by intrusion, ancillary to Defendant's collection efforts.
 3

4

5 II. JURISDICTION

6

7 2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

8

9 III. PARTIES

10

11 3. Plaintiff, Janet Stull, is a natural person residing in the State of
 Washington, County of Benton, and City of Richland.

12 4. Plaintiff is a "consumer" as defined by the FDCPA, 15 U.S.C. §
 13 1692a(3), and a "debtor" as defined by RCW § 19.16.100(11).

14 5. At all relevant times herein, Defendant, Washington Collectors Tri-
 Cities, Inc., ("Defendant") was a company engaged, by use of the mails and
 15 telephone, in the business of attempting to collect a "debt" from Plaintiff, as
 16 defined by 15 U.S.C. §1692a(5).
 17

18 6. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §
 19 1692a(6), and a "licensee," as defined by RCW § 19.16.100(9).
 20

21

22 IV. FACTUAL ALLEGATIONS

23

24 7. At various and multiple times prior to the filing of the instant complaint,
 25 including within the one year preceding the filing of this complaint, Defendant
 26

1 contacted Plaintiff in an attempt to collect an alleged outstanding debt.
 2 Defendant's conduct violated the FDCPA and RCW § 19.16 in multiple ways,
 3 including but not limited to:

- 5 a. Repeatedly contacting Plaintiff at his/her place of employment after
 6 being informed that such calls are inconvenient to Plaintiff and violate
 7 the policy of Plaintiffs employer. In or about March/April, 2009,
 8 Defendant successfully reached Plaintiff at her place of employment for
 9 the first time. Plaintiff immediately informed Defendant that she would
 10 be fired if Defendant continued to make personal phone calls to her
 11 place of employment and asked Defendant to stop calling her at work.
 12 Defendant did not stop, but called Plaintiff at least two more times
 13 thereafter, reaching Plaintiff one of those times (§ 1692c(a)(1)(3));
 14 b. Using false representations and deceptive practices in connection with
 15 collection of an alleged debt from Plaintiff. In or around July, 2009,
 16 Defendant called Plaintiff's place of employment and left a message
 17 with the receptionist. Defendant told the receptionist that Defendant
 18 needed to reach Plaintiff and that it was an "emergency," which
 19 misrepresented the character of Defendant's call (§ 1692e(10));
 20 c. Causing Plaintiffs telephone to ring repeatedly or continuously with
 21 intent to harass, annoy or abuse Plaintiff. At least twice during the past
 22 12 months, Plaintiff has ended a telephone call with Defendant, only to
 23 be met with another telephone call within 15-30 minutes (§ 1692d(5));
 24 d. Threatening to take an action against Plaintiff that cannot be legally
 25 taken or that was not actually intended to be taken. On or about Oct. 1,
 26 2009, Defendant's representative, "Ann," told Plaintiff that garnishment
 27 of her paycheck would begin in 1 week if she did not pay the \$60 debt.
 28 Desperate to avoid the garnishment, Plaintiff attempted to call
 Defendant 4 times on Oct. 7, one day before the due date, but was
 unable to get through. On Oct. 9, Defendant actually went to
 Defendant's office to pay the debt in person, showing that she
 understood the desperateness of the situation as stated by Defendant (§
 1692e(5)).

8. Defendant's aforementioned activities, set out in paragraph 7, also constitute an intentional intrusion into Plaintiff's private places and into private matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable person. With respect to the setting that was the target of Defendant's intrusions, Plaintiff had a subjective expectation of privacy that was objectively reasonable under the circumstances.

9. As a result of Defendant's behavior, detailed above, Plaintiff suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation, embarrassment, mental anguish and emotional distress.

**COUNT I: VIOLATION OF FAIR DEBT
COLLECTION PRACTICES ACT**

10. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

1 **COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY**
 2 **ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON**
 3 **CONSUMER PROTECTION ACT**

4
 5 11. Plaintiff reincorporates by reference all of the preceding paragraphs.
 6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 9 against the Defendant for the following:
 10

- 11 A. Actual damages;
- 12 B. Discretionary Treble Damages;
- 13 C. Costs and reasonable attorney's fees,
- 14 D. For such other and further relief as may be just and proper.

15 **COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION**

16 12. Plaintiff reincorporates by reference all of the preceding paragraphs.
 17

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiff respectfully prays that judgment be entered
 20 against the Defendant for the following:
 21

- 22 A. Actual damages
- 23 B. Punitive Damages; and,
- 24 C. For such other and further relief as may be just and proper.

1 Respectfully submitted this 23rd day of December, 2009.
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

s/Jon N. Robbins
Jon N. Robbins
WEISBERG & MEYERS, LLC
Attorney for Plaintiff

COMPLAINT FOR VIOLATIONS OF THE FAIR
DEBT COLLECTION PRACTICES ACT-5

WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake ,WA 99148
509-232-1882
866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com